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STATE FOR KATHERINE BAKER
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E.O. 12958: DECL: 03/31/2018
TAGS: [MOPS](#) [PARM](#) [PREL](#) [NATO](#) [GM](#)
SUBJECT: GERMANY ALSO QUESTIONS CANADIAN PROPOSAL, SHARES
LATEST VIEWS ON CLUSTER MUNITIONS

REF: A. STATE 30699

[1](#)B. BERLIN 259

Classified By: DCM JOHN KOENIG FOR REASONS: 1.4 (B) AND (D).

[1](#)1. (C) SUMMARY: Germany shares U.S. concerns that the Canadian proposal on interoperability for the Oslo Process text on cluster munitions will not provide a long-term solution to the problem. Germany has put forth its own proposal for how to address the interoperability issue, which it plans to discuss further at the next Oslo Process meeting in May. Germany continues to seek several other changes to the current Oslo Process text, including a carve-out that would allow the use of sensor-fused area munitions (SEFAM). More generally, Germany is concerned that the Oslo Process is yet another manifestation of the "privatization" of arms control, whereby arms control advocates are increasingly inclined to work outside the UN process to achieve their aims. END SUMMARY.

[1](#)2. (C) Poloff met with MFA conventional arms control desk officer Burkhard Ducoffre March 28 to discuss Ref A points and learn more about Germany's thinking on cluster munitions (CM) prior to the Convention on Conventional Weapons (CCW) meeting April 7. Ducoffre welcomed the opportunity to discuss the issue and noted he had received a copy of the U.S. paper on the application of international humanitarian law to the use of CM, which he termed "helpful." He added that this is an important issue, but hopes this is not the only issue the U.S. delegation will push at the CCW, claiming it may be "unfortunately, too little, too late."

[1](#)3. (C) Ducoffre said that he fears that failure at the CCW could lead to the "privatization" of arms control, noting that arms control advocates will increasingly ignore the UN process and will instead follow the Ottawa/Oslo example to achieve their goals. He added that there is already talk about pushing for the elimination of depleted uranium ammunition through similar means. Ducoffre urged the U.S. to take account of the political reality of Oslo in deciding on its approach to the CCW meeting.

[1](#)4. (C) Regarding Canada's interoperability proposal, Ducoffre noted that Germany also submitted a proposal on this issue, which is included in the compendium of proposals to be considered at the upcoming Oslo Process meeting in Dublin in May. He said the Canadian text was not coordinated within the like-minded group and that Germany was unlikely to support it. He also opined that Canada does not have a clear

idea about where it stands on CM.

15. (C/NOFORN) Ducoffre confirmed that Germany continues to oppose various elements of the current Oslo text. Germany's redlines remain the same: interoperability, an undefined transition period, the ability to use their sensor-fused area munitions (SEFAM), and the right to retention for training. This sentiment was supported during a separate conversation with MOD CM expert Captain Thomas Frisch later the same day. Frisch also reiterated points included in previous reporting (Ref B) regarding Germany's three-stage procedure to eliminate cluster munitions. He then added that, regardless of what eventually happens in Oslo or Geneva, Germany will continue to permit the U.S. to stockpile CM on German soil.

16. (C) Ducoffre noted that during a recent visit to Berlin, Norwegian MFA State Secretary Johanssen was pressed by German MFA State Secretary Silberberg on CM and particularly on the interoperability matter. When asked about Johanssen's reaction to the pressure, Ducoffre demurred, offering only that it will require a Herculean effort to dissuade Norway from seeking to ban cluster munitions through the Oslo Process.
TIMKEN JR